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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CYBERLUX CORPORATION,

Plaintiff,

-against-

AJW PARTNERS, LLC, AJW OFFSHORE, LTD,  
AJW QUALIFIED PARTNERS, LLC, and NEW  
MILLENNIUM CAPITAL PARTNERS II, LLC,

Defendants.

Case No. 07-CV-7808 (DAB)

ECF CASE

DECLARATION OF  
THOMAS J. FLEMING

THOMAS J. FLEMING declares under the penalties of perjury, pursuant to 28 U.S.C.  
§ 1746 that:

1. I am an attorney in good standing with the bar of the State of New York and a member of the law firm Olshan Grundman Frome Rosenzweig & Wolosky LLP, Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York 10022, attorneys for defendants AJW Partners, LLC, AJW Offshore, Ltd., AJW Qualified Partners, LLC, and New Millennium Capital partners II, LLC in this action.

2. I make this declaration in support of defendants' motion to dismiss the Complaint and for the purpose of bringing to the Court's attention documents that are either referred to in

the Complaint or are related to the transactions that are the subject matter of the Complaint. Several of these documents are public filings that plaintiff Cyberlux Corporation (“Cyberlux”) has made with the United States Securities and Exchange Commission.

3. Annexed as Exhibit A is a true and correct copy of Cyberlux’s \$180,000 Note to defendant AJW Qualified Partners, dated May 24, 2005. This Note is an exhibit to the agreement annexed to the Complaint as Exhibit A. The terms and conditions in this Note, except for the dates and dollar amounts, are identical to those in the other Notes that defendants purchased from Cyberlux.

4. Annexed as Exhibit B is a true and correct copy of the Unanimous Written Consent of the Directors of Cyberlux, dated October 20, 2004.

5. Annexed as Exhibit C is a true and correct copy of the Security Agreement between defendants and Cyberlux, dated October 24, 2004. The terms and conditions in this Agreement are identical to those in the Security Agreements that the parties signed for each of the Notes transactions.

6. Annexed as Exhibit D is a true and correct copy of excerpts from Cyberlux’s Annual Report on Form 10-KSB for the fiscal year ended December 31, 2004.

7. Annexed as Exhibit E is a true and correct copy of excerpts from Cyberlux’s Amended Registration Statement on Form SB-2, dated May 20, 2005.

8. Annexed as Exhibit F is a true and correct copy of excerpts from Cyberlux’s Annual Report on Form 10-KSB for the fiscal year ended December 31, 2005.

9. Annexed as Exhibit G is a true and correct copy of excerpts from Cyberlux’s Annual Report on Form 10-KSB for the fiscal year ended December 31, 2006.

10. Annexed as Exhibit H is a true and correct copy of excerpts from Cyberlux's Quarterly Report on Form 10-Q for the quarter ended June 30, 2007.

11. Annexed as Exhibit I is a true and correct copy of a Cyberlux press release, dated August 21, 2007.

12. Annexed as Exhibit J is a true and correct copy of an Order by the Hon. Paul A. Crotty, United States District Judge, in the matters styled *AJW Partners, LLC, et al. v. RG Global Lifestyles, Inc. and Louis L. Knickerbocker*, S.D.N.Y. No. 07 Civ. 1835 (PAC), and *AJW Partners, LLC, et al. v. Bootie Beer Corporation*, S.D.N.Y. No. Civ. 1836 (PAC) and filed June 7, 2007.

Dated: September 21, 2007

/s/ Thomas J. Fleming  
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THOMAS J. FLEMING